IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 17th day of February, 2005

Bail application No. 75 of 2005

Order on the Bail Application of accused

CRIMINAL SIDE

Tirathpal
S/o Sri Nathiram
R/o Village – Bindukharak
Police Station – Jhabreda
Distrist – Haridwar …… Applicant

Versus

State of Uttaranchal …….. Opposite Party

Arising out of case crime No. 71 of 2004
U/S 302, 201 I.P.C.
Police Station – Jhabreda
District – Haridwar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 71 of 2004, U/Ss 302, 201 of I.P.C., Police Station – Jhabreda, District - Haridwar.

Heard Sri Manish Arora, learned counsel for the applicant, Sri Sanjeev Singh, learned counsel for the complainant, learned A.G.A. for the State and perused the record.

The case rests on circumstantial evidence as the name of the applicant does not find place in the F.I.R.

Further, the prosecution has collected the evidence of extra judicial confession before the Police as well as the evidence of last seen and the recovery of syringe and screw from the house of the applicant.

The statement of the so-called eyewitnesses who have seen the accused have been recorded after 10 days while the name of one of the eyewitnesses finds place in the G.D. at the time of lodging the report. The recovery of syringe and screw from the house of the applicant does not appear to be significant at this stage.

Without commenting on the merits of the case, I am of the view that it is a fit case for bail at this stage.

Let the applicant Tirathpal be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M., Haridwar.

(B.C. Kandpal, J.)

February 17, 2005
Shiv